

UTILITY PATENT APPLICATION TRANSMITTAL

(New Nonprovisional Applications Under 37 CFR § 1.53(b))

Attorney Docket No.

AB-379U

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is the patent application of () application identifier or (X) first named inventor, Edward H. Overstreet, entitled Method and System for Generating a Cochlear Implant Program Using Multi-Electrode Stimulation to Elicit the Electrically-Evoked Compound Action Potential, for a(n):

(X) Original Patent Application.

() Continuing Application (prior application not abandoned):

() Continuation () Divisional () Continuation-in-part (CIP)
of prior Application No. _____, filed on _____.

Enclosed are:

(X) Application Data Sheet 1 Total Sheet(s).
 (X) Non-Publication Request 1 Total Sheet(s).
 (X) Specification; 34 Total Pages + cover sheet.
 (X) Drawing(s); 10 Total Sheets of informal drawings.
 (X) Oath or Declaration:

(X) A Newly Executed Combined Declaration and Power of Attorney:
 () Signed. (X) Unsigned. () Partially Signed.
 () A Copy from a Prior Application for Continuation/Divisional (37 CFR § 1.63(d)).
 () Incorporation by Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated herein by reference.
 () Signed Statement Deleting Inventor(s) Named in the Prior Application. (37 CFR § 163(d)(2)).
 (X) Return Receipt Postcard.

| CLAIMS AS FILED | | | | |
|--|-----------|-----------|------------------|----------|
| FOR | NO. FILED | NO. EXTRA | RATE | FEE |
| Total Claims | 19 | 0 | \$18.00 | \$0.00 |
| Independent Claims | 3 | 0 | \$86.00 | \$0.00 |
| Multiple Dependent Claim Fee (if applicable) | | | | \$0.00 |
| Assignment Recording Fee (if applicable) | | | | \$0.00 |
| Basic Filing Fee | | | | \$770.00 |
| | | | Total Filing Fee | \$770.00 |

Please charge \$ 770 to Deposit Account No. 50-0648 pursuant to 37 CFR § 1.25. At any time during the pendency of this application, the Commissioner is hereby authorized to charge any fees required under any provision of 37 CFR § 1.16 or 37 CFR § 1.17, or credit any overpayment, to the indicated Deposit Account. A duplicate copy of this sheet is enclosed for fee processing against this Deposit Account.

Respectfully submitted,

By: _____

Bryant R. Gold, Attorney of Record, Reg. No. 29715

Date: October 31, 2003

Correspondence Address: Advanced Bionics Corporation
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(X) Customer Number : 23845

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| | | |
|---|----------------------|--|
| NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i) | First Named Inventor | |
| | Overstreet | |
| | Title | Method and System for Generating a Cochlear... |
| Atty Docket Number | | AB-379U |

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

October 31, 2003

Date



Signature

Bryant R. Gold
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, VA 22313-1450.

Docket No.: AB-379U

United States Patent Application

of

Edward H. Overstreet
a resident of Castaic, California 91384
and a citizen of the United States

**METHOD AND SYSTEM FOR GENERATING A COCHLEAR IMPLANT PROGRAM
USING MULTI-ELECTRODE STIMULATION TO ELICIT THE ELECTRICALLY-
EVOKED COMPOUND ACTION POTENTIAL**

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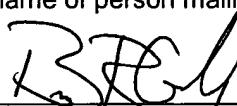
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Bryant R. Gold
(Typed name of person mailing)


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